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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

: Criminal No. 04-446 (KSH)

v.

: Hon. Katharine Sweeny Hayden

CALVIN DAVIS,

: **ORDER**

Defendant.

This matter having been brought before the Court on behalf of defendant Calvin Davis, by his attorney Michael V. Gilbert on a motion for an order, clarifying defendant's criminal history category and requiring the Bureau of Prisons to correct its error in computing the defendant's security level based upon the erroneous criminal history category; and it appearing that the Bureau of Prisons has used the erroneous criminal history category in computing the defendant's security level and for other purposes; and the Court having previously addressed the matter of the defendant's criminal history category and having held that Criminal History Category IV over-represents the defendant's criminal history and Criminal History Category II properly represents his criminal history; and good

cause being shown,

IT IS on this 11th day of April, 2012,

ORDERED that the defendant's motion is hereby granted and:

- (1) as set forth on the record and in the amended Judgment of Conviction and amended Statement of Reasons, Criminal History Category IV (stated in the Presentence Report, dated March 7, 2007) overrepresented the seriousness of the defendant's criminal history;
- (2) Criminal History Category II properly represents the seriousness of the defendant's criminal history; and
- (3) the Bureau of Prisons must recalculate the defendant's security level and any other purposes using Criminal History Category II, as set forth in the amended Judgment of Conviction and amended Statement of Reasons.


HON. KATHARINE S. HAYDEN
UNITED STATES DISTRICT JUDGE